

FIRST AMENDED CHAPTER 13 PLAN

Filing Date: <u>June 30, 2011</u>	Docket #: <u>11-16264</u>
Debtor: <u>Dow, Richard E.</u>	Co-Debtor: <u>Dow, Anne Marie</u>
SS#: <u>9148</u>	SS#: <u>7061</u>
Address: <u>10 Raddin Grove Avenue</u>	Address: <u>10 Raddin Grove Avenue</u>
<u>Lynn, MA 01905</u>	<u>Lynn, MA 01905</u>
<u></u>	<u></u>

Debtor's Counsel:

Law Offices of Michael T. Eramo
491 Maple Street, Suite 305
Danvers, MA 01923-3569

(978) 774-2200

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE SECTION 341 MEETING TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

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United States Bankruptcy Court
District of Massachusetts

FIRST AMENDED CHAPTER 13 PLAN

Docket#: 11-16264

DEBTORS: (H) **Dow, Richard E.** SS# **9148**
 (W) **Dow, Anne Marie** SS# **7061**

TERM OF THE PLAN **60** Months.

(If the plan is longer than thirty-six (36) months and debtor's plan is governed by 11 U.S.C § 1322 (d)(2), a statement of cause under must be attached hereto.)

PLAN PAYMENT: Debtor(s) to pay monthly: \$ **104.00**

I. SECURED CLAIMS:

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
None		
Total of secured claims to be paid through the Plan: \$		<u>0.00</u>

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
CitiMortgage Inc.	Mortgage on primary residence.10 Raddin Grove AveLyn
Ford Cred	Auto Loan, opened 7/2005. 2005 Mercury Montego 95,000 mile
St. Jeans Credit Union	Mortgae Loan HELOC on primary Residence
Workers Credit Union	Auto Loan 2009 Chevrolet Silverado

II. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
None		

B. All Other Priority Creditors:

Creditor	Description of Claim	Amount of Claim
Lynn Water And Sewer Commission	Water and Sewer bill.	807.00
Total of Priority Claims to Be Paid Through the Plan: \$		<u>807.00</u>

III. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ **400.00**.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

IV. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of **4.34%** of their claims.

A. General unsecured claims: \$ **101,328.00**

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
None		

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim

Total of A + B + C unsecured claims: \$ 101,328.00

D. Multiply total by percentage: \$ 4,397.63

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

D. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
None		

Total amount of separately classified claims payable at 100%: \$ 0.00

V. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan:

B. Modification of Secured Claims: Set forth details of modifications below or on attached sheets. This information should include name of creditor and detailed explanation of the modification. The total amount of the secured claim that is to be paid through the plan (inclusive of interest) should be set forth in Section I of this Plan.

C. Assumption/Rejection of Leases:

None

D. Miscellaneous provisions:

CALCULATION OF PLAN PAYMENT:

a. Secured claims (Section I-A Total):	\$	0.00
b. Priority claims (Section II-A & B Total):	\$	807.00
c. Administrative claims (Section III A & B Total):	\$	400.00
d. Regular unsecured claims (Section IV – D Total):	\$	4,397.63
e. Separately classified unsecured claims (Section IV – E Total):	\$	0.00
f. Total of a + b + c + d + e above:	\$	5,604.63
g. Divide (f) by .90 for total including Trustee's fee: Cost of Plan:	\$	6,227.37

(This represents the total amount to be paid into the Chapter 13 Plan)

h. Divide (g) Cost of Plan by Term of Plan: 60 months

i. Round up to nearest dollar: Monthly Plan Payment: \$ 104.00
(Enter this amount on Page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make pre-confirmation adequate protection payments directly to the secured creditor.

LIQUIDATION ANALYSIS

I. Real Estate:

List Each Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
10 Raddin Grove Avenue, Lynn, MA 01905	205,000.00	224,259.14

Total Net Equity for Real Property:	\$	0.00
Less Total Exemptions (Schedule C):	\$	0.00

Available Chapter 7: \$ 0.00II. Automobile

Describe year, make and model

	Value	Lien	Exemption
1976 Chevrolet Corvette, Mileage: 90,000 Not operating- needs wo	11,000.00	0.00	11,000.00
2005 Mercury Montego 4D sedan, Mileage: 95,000	5,125.00	15,706.00	0.00
2009 Chevrolet Silverado Mileage: 20,000	16,050.00	18,000.00	0.00

Total Net Equity: \$ 11,000.00Less Total Exemptions (Schedule C): \$ 11,000.00Available Chapter 7: \$ 0.00III. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)Total Net Value: \$ 38,141.03Less Exemptions (Schedule C): \$ 38,141.03Available Chapter 7: \$ 0.00**SUMMARY (Total amount available under Chapter 7):**Net Equity (I and II) Plus Other Assets (III) less all claimed exemptions: \$ 0.00.

Additional Comments regarding Liquidation Analysis:

Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Michael T. Eramo, Esq.

Debtor's Counsel

October 24, 2011

Date

Counsel's Address:

Law Offices of Michael T. Eramo**491 Maple Street, Suite 305****Danvers, MA 01923-3569**Tel. # (978) 774-2200

Email Address: _____

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

/s/ Richard E. Dow

Debtor

October 24, 2011

Date

/s/ Anne Marie Dow

Debtor

October 24, 2011

Date

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In Re:)	
Richard Dow and)	
Ann Marie Dow,)	Chapter 13
Debtors)	Case No: 11-16264 WCH
)	

CERTIFICATE OF SERVICE

I, Michael T. Eramo, Esquire, state that on October 24, 2011, I electronically filed the foregoing First Amended Chapter 13 Plan with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

John Fitzgerald, US Trustee
Carolyn Bankowski, Chapter 13 Trustee
CitiMortgage, Inc
Candica, LLC

I hereby certify that I have this date served a copy of the attached Amended Chapter 13 Plan was served upon the parties listed below or on the attached service listed via first class mail, postage prepaid:

Richard Dow and Ann Marie Dow/10 Raddin Grove Avenue/Lynn MA 01905

American Express|PO Box 297871|Fort Lauderdale, FL 33329

BANK OF AMERICA|PO Box 15026|Wilmington, DE 19850

BANK OF AMERICA|PO Box 17054|Wilmington, DE 19884

Capital Management Services|726 Exchange Street, Suite 700|Buffalo, NY 14210

Capital One|PO Box 30281|Salt Lake City, UT 84130

CHASE|PO Box 15298|Wilmington, DE 19850

Chase|Bank One Card Services|800 Brooksedge Blvd.|Westerville, OH 43081

CITI|PO BOX 6241|Sioux Falls, SD 57117

Citibank SD NA|PO BOX 6241|Sioux Falls, SD 57117

Department Of The Treasury|P O Box 21126|Phildelphia, PA 19114

Direct Merchants Bank|Po Box 29468|Phoenix, AZ 85038

Discover Fin Svcs LLC|P O Box 15316|Wilmington, DE 19850

FMC-OMAHA Service Center|P O Box 54200|Omaha, NE 68154

Ford Cred|P O Box 152271|Irving, TX 75015

GE Money Bank|PO BOX 981064|El Paso, TX 79998

GEMB/GE Money Bank|200 W 14th St. Ste 150|Tempe, AZ 85281

GEMB/JC Penneys|P.O. Box 981402|El Paso, TX 79998

GEMB/Sleepy's|P O Box 981439|El Paso, TX 79998

HSBC/BSBUY|PO BOX 15524|WILMINGTON, DE 19850

Kohl's Chase|P O Box 3115|Milwaukee, WI 53201

Lynn Water And Sewer Commission|400 Parkland Avenue|Lynn, MA 01905

Massachusetts Department Of Revenue|P O Box 9564|Boston, MA 02114

Northland Group, Inc|PO Box 390905|Minneapolis, MN 55439

Safeguard Credit Counseling Services, In|112 Parkway Drive South|Hauppauge, NY 11788

Sears Citibank|PO Box 6189|Souix Falls, SD 57117

Sears/ CBSD|133200 Smith Road|Cleveland, OH 44130

St. Jeans Credit Union|370 Highland Avenue|Salem, MA 01970

The Home Depot/CBSD|PO BOX 6497|Sioux Falls, SD 57117

Union Plus Credit Card|PO Box 17051|Baltimore, MD 21297

WFFNATBANK|P O Box 94498|Las Vegas, NV 89193

WFNNB/Domesitcations|Riskwise Collections|P O Box 337003|Northglenn, CO 80233

Workers Credit Union|PO Box 900|Fitchburg, MA 01420

Zales/CBSD|P O Box 689183|Des Moines, IA 50368

/s/ Michael T. Eramo

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